

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, *et al.*,

Plaintiffs,

- vs -

XCENTRIC VENTURES, LLC.,
et al.,

Defendants.

Civil No.:
4:16-cv-00179-HCM-DEM

**EDWARD MAGEDSON AND XCENTRIC VENTURES, LLC'S
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Edward Magedson (“Magedson”) and Xcentric Ventures, LLC (“Xcentric”), pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c), respectively, move to dismiss the Complaint for failure to state a claim. In support thereof, Magedson and Xcentric rely upon the Memorandum of Law, concurrently filed.

Meet and Confer Statement

Undersigned counsel engaged in good faith efforts to resolve the issues raised in this Motion with counsel for the Plaintiffs. Plaintiffs object to the relief sought in the Motion.

Dated: February 28, 2017

Respectfully submitted,

/s/ David A. Warrington

David A. Warrington (VSB No. 72293)
LeClairRyan, A Professional Corporation
2318 Mill Road, Suite 1100
Alexandria, VA 22314
Phone: (703) 647-5926
Fax: (703) 647-5966
david.warrington@leclairryan.com

Counsel for Edward Magedson and

Xcentric Ventures, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2017, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all authorized users.

/s/ David A. Warrington

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Alexandria, VA 22314
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Fax: (703) 647-5966
david.warrington@leclairryan.com

*Counsel for Edward Magedson and
Xcentric Ventures, LLC*